

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 15, 2004 and also in light of the Notice of Non-Responsive Amendment mailed March 16, 2005. In order to advance prosecution of this case, Applicants amend Claims 1, 9, 16, 24, 31, and 32. Applicants respectfully request reconsideration and favorable action in this case.

At the outset, Applicants wish to thank the present Examiner for her assistance in advancing prosecution of this case. Applicants also appreciate the Examiner's efforts to keep Applicants updated on the current state of the Application.

Interview Summary

Applicants' Attorney, Mr. Todd A. Cason (Reg. No. 54,020), conducted a telephonic interview with Examiner Timothy L. Lee on April 13, 2004, who was at the time responsible for examination of this Application. Applicants submit this summary of that telephonic interview to record Applicants' understanding of the substance of the interview. If Applicants' understanding is inaccurate, notice of such is appreciated.

Applicants appreciate the opportunity to conduct that telephonic interview. During the interview, Examiner Lee and Applicants' Attorney discussed Examiner Lee's rejections of Applicants' claims. Examiner Lee and Applicants' Attorney agreed that if Applicants amended the claims as indicated below, the amendment would overcome rejections based on the currently cited references.

Section 103 Rejections

The Examiner rejects Claims 1-2, 4-10, 12-17, 19-25, and 27-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,317,414, issued to Naohiro ("Naohiro") in view of U.S. Patent No. 4,736,465 issued to Bobey et al. ("Bobey"). As amended, Claim 1 recites:

In an ATM network having a plurality of paths to a common destination, a method comprising:

receiving ATM traffic from a traffic source as a plurality of copies of traffic routed along a plurality of paths, each one of the paths having a receive circuit;

configuring an ATM switch to provide a route to a common destination for each one of the paths;

determining a qualified copy of the traffic based on information exchanged between two or more receive circuits; and

discarding all copies of the traffic except for the qualified copy such that only the qualified copy is passed to the ATM switch for routing to the common destination.

As the Examiner agreed during the interview, *Naohiro* and *Bobey* fail to disclose “determining a qualified copy of the traffic based on information exchanged between two or more receive circuits” as recited by amended Claim 1. *Naohiro* and *Bobey* therefore fail to disclose, teach, or suggest every element of Claim 1. Claim 1 is thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, Claims 9, 16, 24, 31, and 32 include elements that, for reasons substantially similar to those described above with respect to Claim 1, are not disclosed, taught, or suggested by the cited references. Claims 9, 16, 24, 31, and 32 are thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claims 9, 16, 24, 31, and 32, and their respective dependents.

The Examiner rejects Claims 3, 11, 18, and 26 under 35 U.S.C. § 103(a) as being unpatentable over *Naohiro* in view of *Bobey* and U.S. Patent No. 6,424,629 issued to Rubino et al. (“*Rubino*”). Claims 3, 11, 18, and 26 depend from Claims 1, 9, 16, and 24, respectfully, which have been shown above to be allowable. Claims 3, 11, 18, and 26 are thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claims 3, 11, 18, and 26.

Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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